

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION - CINCINNATI

RAYSHAWN J. PENN,	:	Case No. 1:22-cv-262
	:	
Plaintiff,	:	Judge Matthew W. McFarland
	:	
v.	:	
	:	
C.O. EASH, <i>et al.</i> ,	:	
	:	
Defendant.	:	

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ENTRY AND ORDER ADOPTING REPORT AND RECOMMENDATIONS (Doc.  
20)

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The Court has reviewed the Report and Recommendations of United States Magistrate Judge Stephanie K. Bowman (Doc. 20), to whom this case is referred pursuant to 28 U.S.C. § 636(b). Noting that no objections have been filed and the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, the Court hereby **ADOPTS** said Report and Recommendations in its entirety. Accordingly, Plaintiff's claim against Defendant Eash in his official capacity is **DISMISSED**, but the excessive force claim against Defendant Eash in his individual capacity shall proceed. Additionally, Defendant's Motion to Dismiss (Doc. 10) is **DENIED as moot**. Lastly, the Court **CERTIFIES**, pursuant to 28 U.S.C. § 1915(a)(3) that, for the reasons outlined in the Report and Recommendations, an appeal of this Order would not be taken in good faith. Therefore, Plaintiff is **DENIED** leave to appeal in forma pauperis. *See McGore v. Wrigglesworth*, 114 F.3d 601 (6th Cir. 1997).

**IT IS SO ORDERED.**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO

By:   
JUDGE MATTHEW W. McFARLAND